

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Jonas Lowell Steinman

Application No: 09/412,013

Filed: October 4, 1999

For: NETWORK-BASED SWEEPSTAKES
SYSTEM AND METHOD

Examiner: Raquel Alvarez

Art Unit: 3622

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APPEAL BRIEF
IN SUPPORT OF APPELLANT'S APPEAL
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellant hereby submits this Brief in triplicate in support of his/her appeal from a final decision by the Examiner, mailed on December 20, 2006 in the above-referenced case. The Appellant respectfully requests consideration of this appeal by the Board of Patent Appeals and Interferences for allowance of the above-referenced patent application.

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Jonas Lowell Steinman
Application No.: 09/412,013

Examiner: Raquel Alvarez
Art Unit: 3622

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I. REAL PARTY IN INTEREST

The real party in interest is IAC Search & Media, Inc., a corporation of Delaware, having a principle place of business at 555 – 12 Street, Suite 500, Oakland, California 94607.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

III. STATUS OF THE CLAIMS

Claims 2-16, 19-34, 36-51, 71-79 and 81-85 are currently pending and stand rejected by the Examiner under the Final Rejection mailed on December 20, 2006.

IV. STATUS OF AMENDMENTS

A copy of all claims on appeal is attached in Appendix A hereto.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

A system and method for attracting and retaining Internet users, and users of other network-based services is disclosed. Systems and methods in which users are awarded points for accessing a website and/or clicking links in the website are disclosed. Users receive different numbers of points for clicking

different hyperlinks. The users are automatically enrolled in sweepstakes in exchange for points, thereby allowing the website host to not need to maintain a point redemption program. (See, e.g., page 1, line 26 – page 2, line 20, page 3, lines 14-31, page 4, lines 30-36, page 8, lines 5-17 of the present specification and Figures 1-2 and 4.)

Independent claim 71, in particular, relates to a method of entering a user in a sweepstakes. The method includes providing a website for access by a user, the website including a plurality of hyperlinks to services and webpages in the website, and each of the plurality of hyperlinks having an associated point value indicative of any number of points the user can get for clicking on the hyperlink, wherein at least two hyperlinks of the plurality of hyperlinks have different associated point values, the associated point values for the plurality of hyperlinks being stored in look-up table stored in a web server associated with the website; receiving a request that indicates that the user has clicked on one of the plurality of hyperlinks; determining a point value associated with the one of the plurality of hyperlinks by looking up the associated point value in the look-up table; awarding, based on the point value associated with the one of the plurality of hyperlinks, at least one point to the user as a result of the user clicking on the one of the plurality of hyperlinks; and awarding, based on a predetermined number of at least one point awarded to the user for clicking on the one of the plurality of

hyperlinks, at least one entry in a sweepstakes. (See, e.g., page 5, line 1 – page 7, line 22 and page 8, lines 5-17 of the present specification and Figures 1, 2 and 4.)

Independent claim 76, in particular, relates to a sweepstakes system having a host computer system hosting a website, wherein the website includes a plurality of hyperlinks to services and webpages in the website and each of the plurality of hyperlinks has an associated point value indicating any number of points a user can get for clicking on the hyperlink. The sweepstakes system also has a look-up table stored in the host computer system, the look-up table storing the associated point values for the plurality of hyperlinks, wherein at least two hyperlinks of the plurality of hyperlinks have different associated point values. The host computer system receives a request that indicates that the user has clicked on one of the plurality of hyperlinks, determines a point value associated with the one of the plurality of hyperlinks by looking up the point value in the look-up table, and awards at least one point to the user as a result of the user clicking on the one of the plurality of hyperlinks. The user is given a number of at least one entry in a sweepstakes based on a predetermined number of points the user has been awarded for clicking on the one of the plurality of hyperlinks. (See, e.g., page 2, line 31 – page 3, line 31, page 4, lines 30-36, page 8, lines 5-17 of the present specification and Figures 1 and 4.)

Independent claim 81, in particular, relates to computer code stored in a storage medium that provides a website for access by a user, the website including a plurality of hyperlinks to services and webpages in the website, and each of the plurality of hyperlinks having an associated point value indicative of any number of points the user can get for clicking on the hyperlink, wherein at least two hyperlinks of the plurality of hyperlinks have different associated point values, the associated point values for the plurality of hyperlinks being stored in a look-up table stored in a web server associated with the website; receiving a request that indicates that the user has clicked on one of the plurality of hyperlinks; determines a point value associated with the one of the plurality of hyperlinks by looking up the associated point value in the look-up table; awards, based on the point value associated with the one of the plurality of hyperlinks, at least one point to the user as a result of the user clicking on the one of the plurality of hyperlinks; and awards, based on a predetermined number of at least one point awarded to the user for clicking the one of the plurality of hyperlinks, at least one entry in a sweepstakes. (See, e.g., page 2, line 31 – page 3, line 31, page 4, lines 30-36, page 8, lines 5-17 of the present specification and Figures 1, 2 and 4.)

Independent claim 85, in particular, relates to a method of entering a user in a sweepstakes. The method includes providing a website for access by a user,

the website including a plurality of hyperlinks to services and webpages in the website, and each of the plurality of hyperlinks having an associated point value indicative of any number of points the user can get for clicking on the hyperlink, wherein at least two hyperlinks of the plurality of hyperlinks have different associated point values, the associated point values for the plurality of hyperlinks being stored in look-up table stored in a web server associated with the website; receiving a request that indicates that the user has clicked on one of the plurality of hyperlinks; determining a point value associated with the one of the plurality of hyperlinks by looking up the associated point value in the look-up table; awarding, based on the point value associated with the one of the plurality of hyperlinks, at least one point to the user as a result of the user clicking on the one of the plurality of hyperlinks; and exchanging automatically a predetermined number of at least one point of the awarded points for at least one entry in a sweepstakes. (See, e.g., page 5, line 1 – page 7, line 22 and page 8, lines 5-17 of the present specification and Figures 1, 2 and 4.)

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The ground of rejection to be revealed on appeal is:

- Whether claims 2-16, 19-34, 36-51 and 71-85 are unpatentable under 35 U.S.C. § 103(a) as being obvious over an article by Marc Gunther titled “The

Trouble with Advertising,” hereinafter “Gunther”, in view of U.S. Patent No. 6,061,600 to Eggleston et al, hereinafter “Eggleston.”

VII. ARGUMENT

A. REJECTION OF CLAIMS 2-16, 19-34, 36-51 AND 71-85 UNDER U.S.C. § 103(A) AS BEING OBVIOUS OVER GUNTHER IN VIEW OF EGGLESTON

1. REJECTION OF CLAIMS 19-33 AND 71-75 IS IMPROPER BECAUSE NEITHER GUNTHER NOR EGGLESTON DISCLOSE ALL OF THE LIMITATIONS OF CLAIM 71

Independent claim 71 recites:

71. A method of entering a user in a sweepstakes comprising:

providing a website for access by a user, the website including a plurality of hyperlinks to services and webpages in the website, and each of the plurality of hyperlinks having an associated point value indicative of any number of points the user can get for clicking on the hyperlink, wherein at least two hyperlinks of the plurality of hyperlinks have different associated point values, the associated point values for the plurality of hyperlinks being stored in look-up table stored in a web server associated with the website;

receiving a request that indicates that the user has clicked on one of the plurality of hyperlinks;

determining a point value associated with the one of the plurality of hyperlinks by looking up the associated point value in the look-up table;

awarding, based on the point value associated with the one of the plurality of hyperlinks, at least one point to the user as a result of the user clicking on the one of the plurality of hyperlinks; and

awarding, based on a predetermined number of at least one point awarded to the user for clicking on the one of the plurality of hyperlinks, at least one entry in a sweepstakes.

The Examiner submits that Gunther discloses a sweepstakes system. The Examiner admits that Gunther is silent as to the links having different values associated with them. The Examiner submits that because Gunther teaches that the links are from different advertisers that gives incentives and compete for viewers, one of skill in the art would have associated different point values to different links because it would allow different advertisers to offer a higher point value to users who click on their links and increase their traffic flow. The Examiner also submits Gunther fails to disclose redeeming points for a sweepstakes entry. The Examiner submits that Eggleston teaches based on a predetermined amount of loyalty points, the users will be eligible to enter a sweepstakes, and it would be obvious to combine to produce excitement. The Examiner also admits that Gunther fails to disclose a look-up table to store the values of the hyperlinks. The Examiner takes Official notice that it is well-known to use look-up tables for looking up and matching information. Applicants disagree.

Gunther fails to explicitly disclose any of the claim elements. Gunther merely discloses a rewards program in which users are awarded points for viewing pages and buying things. The points can be exchanged for various

prizes. The users can also be entered in a sweepstakes automatically, independent of the point exchange for prizes.

In particular, Gunther fails to disclose associating different point values with different links. As discussed above, the Examiner admits Gunther fails to disclose this limitation. Claim 71 requires that the hyperlinks are to services and webpages in the website. Links to advertisers are links to services and webpages that are external to the website. Associating different values to the links of advertisers would not incentivize users to stay at the website. Instead, associating different values to the links of advertisers would incentivize users to leave the website. By associating different values to links within the website, the website owner can direct the user to certain services or pages within the website. Users are encouraged to use the website by providing different link values.

Second, Gunther does not disclose storing different point values in a look-up table. Gunther does not disclose any details of the sweepstakes system. It is mere speculation for the Examiner to submit that a look-up table is associated with Gunther's sweepstakes system. Moreover, even if look-up tables were well-known at the time of the invention, look-up tables that stored hyperlinks and different point values with the hyperlinks were not well-known at the time of the invention. The Examiner has pointed to no teaching in the art

for such a look-up table, nor has the Examiner pointed to a teaching in the art for a sweepstakes rewards program that uses a look-up table, as claimed.

Third, the cited art does not disclose exchanging points earned from selecting links within a webpage for a sweepstakes entry. Gunther is directed to a “rewards” program as described above. In Gunther, the sweepstakes entry is awarded independent of the points exchange. Eggleston is directed to a system for building incentive programs for websites. One such incentive program that can be used is a sweepstakes system. Eggleston also discloses that combinations of different types of incentive programs may be selected. In one example, Eggleston discloses that an incentive program may be built in which the consumer plays a pinball game in which the consumer is eligible to win customer loyalty points, and upon winning enough points, the consumer is eligible for a sweepstakes prize. Eggleston, however, does not disclose earning loyalty points for selecting different hyperlinks within the website. Loyalty points are only earned by playing games or making purchases in Eggleston. Eggleston, therefore, does not disclose automatically exchanging loyalty points earned by selecting links for the sweepstakes entry, as claimed.

Claims 19-33 and 72-75 depend, directly or indirectly, from independent claim 71. Accordingly, claims 19-33 and 72-75 are patentable for at least the same reasons.

2. REJECTION OF CLAIMS 2-16, 34 AND 76-79 IS IMPROPER
BECAUSE NEITHER GUNTHER NOR EGGLESTON
DISCLOSE ALL OF THE LIMITATIONS OF CLAIM 76

Independent claim 76 recites:

76. A sweepstakes system, comprising:

a host computer system hosting a website, wherein the website includes a plurality of hyperlinks to services and webpages in the website and each of the plurality of hyperlinks has an associated point value indicating any number of points a user can get for clicking on the hyperlink; and

a look-up table stored in the host computer system, the look-up table storing the associated point values for the plurality of hyperlinks,

wherein at least two hyperlinks of the plurality of hyperlinks have different associated point values;

wherein the host computer system receives a request that indicates that the user has clicked on one of the plurality of hyperlinks;

wherein the host computer system determines a point value associated with the one of the plurality of hyperlinks by looking up the point value in the look-up table;

wherein the host computer system awards at least one point to the user as a result of the user clicking on the one of the plurality of hyperlinks; and

wherein the user is given a number of at least one entry in a sweepstakes based on a predetermined number of points the user has been awarded for clicking on the one of the plurality of hyperlinks.

The arguments raised by the Examiner in rejecting claim 76 are similar to the arguments raised by the Examiner in rejecting claim 71.

Gunther fails to disclose a host computer or a look-up table. Moreover,

Gunther fails to disclose a host computer or a look-up table having all of the

claimed features. As discussed above, Gunther merely discloses a rewards program. At no point does Gunther describe a host computer. At no point does Gunther describe a look-up table. At no point does Gunther describe the hyperlinks having different associated point values. At no point does Gunther describe giving a user an entry in a sweepstakes based on a predetermined number of points, as claimed.

As explained above, links to advertisers are links to services and webpages that are external to the website, unlike the hyperlinks to services and webpages in the website, as presently claimed. Associating different values to the links of advertisers would not incentivize users to stay at the website. Instead, associating different values to the links of advertisers would incentivize users to leave the website. By associating different values to links within the website, the website owner can direct the user to certain services or pages within the website. Users are encouraged to use the website by providing different link values.

In addition, as explained above, the Examiner has pointed to no teaching in the art for a look-up table that stores different associated point values for hyperlinks to services and webpages in the website, nor has the Examiner pointed to a teaching in the art for a rewards system having a look-up table, as claimed, stored in the host computer.

Furthermore, the cited art does not disclose exchanging points earned from selecting links within a webpage for a sweepstakes entry. Gunther is directed to a "rewards" program as described above. In Gunther, the sweepstakes entry is awarded independent of the points exchange. Eggleston is directed to a system for building incentive programs for websites. One such incentive program that can be used is a sweepstakes system. Eggleston also discloses that combinations of different types of incentive programs may be selected. In one example, Eggleston discloses that an incentive program may be built in which the consumer plays a pinball game in which the consumer is eligible to win customer loyalty points, and upon winning enough points, the consumer is eligible for a sweepstakes prize. Eggleston, however, does not disclose earning loyalty points for selecting different hyperlinks within the website. Loyalty points, in Eggleston, are only earned by playing games or making purchases in Eggleston. Thus, Eggleston does not disclose automatically exchanging loyalty points for the sweepstakes entry, as claimed.

Claims 2-16, 34 and 76-79 depend, directly or indirectly, from one of the foregoing independent claims. Accordingly, claims 2-16, 34 and 76-69 are patentable for at least the same reasons.

3. REJECTION OF CLAIMS 36-51 AND 81-84 IS IMPROPER
BECAUSE NEITHER GUNTHER NOR EGGLESTON
DISCLOSE ALL OF THE LIMITATIONS OF CLAIM 81

Independent claim 81 recites:

81. Computer code embedded in a storage medium performing:

providing a website for access by a user, the website including a plurality of hyperlinks to services and webpages in the website, and each of the plurality of hyperlinks having an associated point value indicative of any number of points the user can get for clicking on the hyperlink, wherein at least two hyperlinks of the plurality of hyperlinks have different associated point values, the associated point values for the plurality of hyperlinks being stored in look-up table stored in a web server associated with the website;

receiving a request that indicates that the user has clicked on one of the plurality of hyperlinks;

determining a point value associated with the one of the plurality of hyperlinks by looking up the associated point value in the look-up table;

awarding, based on the point value associated with the one of the plurality of hyperlinks, at least one point to the user as a result of the user clicking on the one of the plurality of hyperlinks; and

awarding, based on a predetermined number of at least one point awarded to the user for clicking the one of the plurality of hyperlinks, at least one entry in a sweepstakes.

The arguments raised by the Examiner in rejecting claim 81 are similar to the arguments raised by the Examiner in rejecting claim 71.

Gunther does not disclose computer code or a storage medium. Gunther merely discloses the idea of a rewards program.

Gunther also fails to explicitly disclose the remaining claim elements.

Gunther merely discloses a rewards program in which users are awarded points for viewing pages and buying things. The points can be exchanged for various prizes, and users can be entered in a sweepstakes automatically independent of the point exchange.

In particular, Gunther fails to disclose associating different point values with different links. Claim 81 requires that the hyperlinks are to services and webpages in the website. Links to advertisers are links to services and webpages that are external to the website. Associating different values to the links of advertisers would not incentivize users to stay at the website. Instead, associating different values to the links of advertisers would incentivize users to leave the website. By associating different values to links within the website, the website owner can direct the user to certain services or pages within the website. Users are encouraged to use the website by providing different link values.

Gunther also does not disclose storing different point values in a look-up table. Gunther does not disclose any details of the sweepstakes system. It is mere speculation for the Examiner to submit that a look-up table is associated with Gunther's sweepstakes system. Moreover, even if look-up tables were well-known at the time of the invention, look-up tables that stored hyperlinks and different point values with the hyperlinks were not known at the time of the

invention. The Examiner has pointed to no teaching in the art for such a look-up table, nor has the Examiner pointed to a teaching in the art for a sweepstakes rewards program that uses a look-up table, as claimed.

In addition, the cited art does not disclose exchanging points earned from selecting links within a webpage for a sweepstakes entry. Gunther is directed to a “rewards” program as described above. In Gunther, the sweepstakes entry is awarded independent of the points exchange. Eggleston is directed to a system for building incentive programs for websites. One such incentive program that can be used is a sweepstakes system. Eggleston also discloses that combinations of different types of incentive programs may be selected. In one example, Eggleston discloses that an incentive program may be built in which the consumer plays a pinball game in which the consumer is eligible to win customer loyalty points, and upon winning enough points, the consumer is eligible for a sweepstakes prize. Eggleston, however, does not disclose earning loyalty points for selecting different hyperlinks within the website. Loyalty points are only earned by playing games or making purchases in Eggleston. Thus, Eggleston does not disclose automatically exchanging loyalty points for the sweepstakes entry, as claimed.

Claims 36-51 and 82-84 depend, directly or indirectly, from independent claim 81. Accordingly, claims 36-51 and 82-84 are patentable for at least the same reasons.

4. REJECTION OF CLAIM 85 IS IMPROPER BECAUSE
NEITHER GUNTHER NOR EGGLESTON DISCLOSE ALL
OF THE LIMITATIONS OF CLAIM 85

Independent claim 85 recites:

85. A method of entering a user in a sweepstakes comprising:

- providing a website for access by a user, the website including a plurality of hyperlinks to services and webpages in the website, and each of the plurality of hyperlinks having an associated point value indicative of any number of points the user can get for clicking on the hyperlink, wherein at least two hyperlinks of the plurality of hyperlinks have different associated point values, the associated point values for the plurality of hyperlinks being stored in look-up table stored in a web server associated with the website;
- receiving a request that indicates that the user has clicked on one of the plurality of hyperlinks;
- determining a point value associated with the one of the plurality of hyperlinks by looking up the associated point value in the look-up table;
- awarding, based on the point value associated with the one of the plurality of hyperlinks, at least one point to the user as a result of the user clicking on the one of the plurality of hyperlinks;
- and
- exchanging automatically a predetermined number of at least one point of the awarded points for at least one entry in a sweepstakes.

The arguments raised by the Examiner in rejecting claim 85 are similar to the arguments raised by the Examiner in rejecting claim 71.

Gunther fails to explicitly disclose any of the claim elements. Gunther merely discloses a rewards program in which users are awarded points for viewing pages and buying things. The points can be exchanged for various prizes, and entered in a sweepstakes automatically, independent of the point exchange.

In particular, Gunther fails to disclose associating different point values with different links. Claim 85 requires that the hyperlinks are to services and webpages in the website. Links to advertisers are links to services and webpages that are external to the website. Associating different values to the links of advertisers would not incentivize users to stay at the website. Instead, associating different values to the links of advertisers would incentivize users to leave the website. By associating different values to links within the website, the website owner can direct the user to certain services or pages within the website. Users are encouraged to use the website by providing different link values.

Second, Gunther does not disclose storing different point values in a look-up table. Gunther does not disclose any details of the sweepstakes system. It is mere speculation for the Examiner to submit that a look-up table is associated with Gunther's sweepstakes system. Moreover, even if look-up tables were well-known at the time of the invention, look-up tables that stored hyperlinks and different point values with the hyperlinks were not known at the time of the

invention. The Examiner has pointed to no teaching in the art for such a look-up table, nor has the Examiner pointed to a teaching in the art for a sweepstakes rewards program that uses a look-up table, as claimed.

Third, the cited art does not disclose exchanging points earned from selecting links within a webpage for a sweepstakes entry. Gunther is directed to a “rewards” program as described above. In Gunther, the sweepstakes entry is awarded independent of the points exchange. Eggleston is directed to a system for building incentive programs for websites. One such incentive program that can be used is a sweepstakes system. Eggleston also discloses that combinations of different types of incentive programs may be selected. In one example, Eggleston discloses that an incentive program may be built in which the consumer plays a pinball game in which the consumer is eligible to win customer loyalty points, and upon winning enough points, the consumer is eligible for a sweepstakes prize. Eggleston, however, does not disclose earning loyalty points for selecting different hyperlinks within the website. Loyalty points are only earned by playing games or making purchases in Eggleston. In addition, Eggleston does not disclose automatically exchanging loyalty points for the sweepstakes entry, as claimed.

5. THERE IS NO MOTIVATION TO COMBINE THE CITED ART TO ARRIVE AT THE PRESENTLY CLAIMED INVENTIONS

Neither Gunther nor Eggleston disclose all of the problems solved by the presently claimed invention. Specifically, neither Gunther nor Eggleston disclose the problems associated with Internet users being reluctant to make purchases over the Internet, the problems with rewards programs being applicable to websites where goods are sold, the requirement of users to actively redeem accumulated points, and the Internet provider is required to provide and support the points redemption program.

Neither Gunther nor Eggleston provide a system or method that solves all of these problems. Applicants submit that the systems and methods presently claimed solve all of these problems.

Embodiments of the presently claimed invention encourage users to access and stay at a website by awarding points in exchange for an automatic sweepstakes entry upon acquiring a sufficient number of points by clicking on links within the website. Embodiments of the present invention can, therefore, be used on any type of website and do not require that the website sell a product. Embodiments of the present invention also retain users at the website. In addition, the presently claimed invention provides a rewards program in which the Internet provider is not required to support a points redemption program or

require Internet users to actively redeem accumulated points as the sweepstakes entry is automatically exchanged for accumulated points. In addition, users are not required to make purchases or play loyalty games, as required in Eggleston, to accumulate points. Users are also not required to access the websites of advertisers to accumulate points.

It is submitted that the Office Action has not shown proper motivation for modification of the cited references. In particular, the Office Action has not shown a motivation within Gunther as to why one of skill in the art, facing the problems confronting the inventor of Gunther, without any knowledge of the applicant's claimed invention, would be motivated to make such a purported modification of Gunther. In particular, it is submitted that the Office Action has not shown a proper motivation for using a look-up table that stores different point values with hyperlinks to services or webpages in the website. As explained above, the Examiner's motivation is contrary to problems confronting the inventors (retaining users as the website). The motivation is also contrary to the problems confronting Gunther. Gunther's rewards program is also designed to retain users at its site by rewarding users for viewing pages and buying things at the SportsLine USA website. Furthermore, because Gunther does not provide a motivation for awarding different point values, there would be no reason to provide a look-up table, as claimed, in Gunther's rewards program.

It is submitted that the Office Action has not shown proper motivation for combination of the cited references. Gunther is directed to a rewards program in which users are awarded points for making purchases and viewing things. The points are then exchanged for prizes. Eggleston, however, teaches in the Background of the Invention, that the incentive program offered by Gunther is undesirable and suffers from several drawbacks including the cost to the consumer in terms of time and the effort of tracking the users activities exceeds the benefit of offering the incentive program. Eggleston also discloses that these incentive programs are disadvantageous because they are offered by a single sponsor and are limited to offering consumers the ability to participate in incentive programs, without more. Eggleston also discloses that the award fulfillment associated with the rewards program is disadvantageous because it requires organizing a sufficient volume of prizes, coordination of prize inventory, systems and information. Thus, Eggleston teaches away from using a rewards program, as disclosed in Gunther. Accordingly, one of skill in the art would not modify Gunther with Eggleston to arrive at the presently claimed invention.

6. GUNTHER DOES NOT PROVIDE AN ENABLING DISCLOSURE

MPEP § 2121.01 provides that: "The disclosure in an assertedly anticipating reference must provide an enabling disclosure of the desired subject matter; mere naming or description of the subject matter is insufficient, if it cannot be produced without undue experimentation."

Applicants submit Gunther is non-enabling prior art. Gunther merely describes the idea of a rewards program. Undue experimentation is required to arrive at the presently claimed invention based on the disclosure of Gunther.

Gunther provides no description of the system components, such as the host computer or look-up table, nor does Gunther describe the processing steps required for the rewards program. Gunther does not disclose how user activities are monitored; whether, where or how the activities are stored; how the points are exchanged for prizes; or how the sweepstakes entry is awarded.

The Examiner has taken Official Notice that various features of Gunther would have been well-known, but has pointed to no such teaching in any prior art reference. Applicants disagree that such features were well-known and have requested the Examiner provide support for such teachings. Even if such teachings were known in the art, the fact that certain components or steps may have been known in the art would not necessarily lead one of skill in the art to arrive at the presently claimed systems and methods. The fact that one of skill in

the art may have understood that look-up tables were available would not necessarily lead one of skill in the art to associate different point values with different hyperlinks in a website and then store those values in a look-up table.

The presently pending claims also require combinations of various features. Even if such features were known individually, neither Gunther, nor any other cited reference, would lead one of skill in the art to combine these features to arrive at the presently claimed invention, without undue experimentation. For example, the cited references have not disclosed where a look-up table would be located in their system, nor have the cited references disclosed how such a look-up table would be created or used.

VIII. CONCLUSION

For the foregoing reasons, Appellant respectfully asserts that Claims 2-16, 19-34, 36-51 and 71-85 overcome the cited references and are therefore patentable. For the reasons presented herein, the removal of the present rejections and allowance of the present claims is respectfully requested.

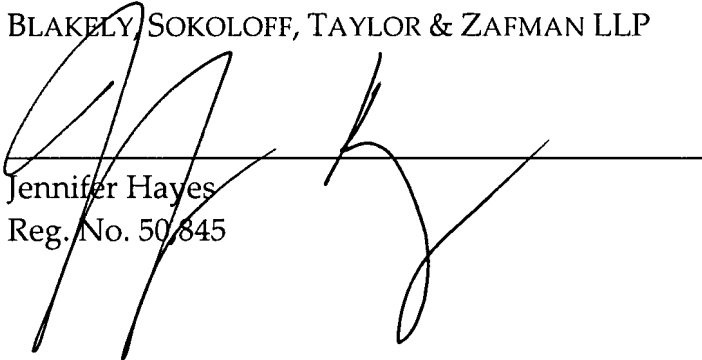
Charge Our Deposit Account

If there are any further charges not accounted for herein, please charge them to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: May 8, 2007


Jennifer Hayes
Reg. No. 50,845

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(408) 720-8300

IX. APPENDIX A

The claims on appeal read as follows:

1. (Canceled)
2. (Previously presented) The system of claim 76, wherein the user is automatically entered by the host system in the sweepstakes after determining eligibility based on a number of factors including at least one of age and location, and wherein a maximum number of points the user can accumulate in one day is fixed.
3. (Previously presented) The system of claim 76, wherein the host computer system stores registration information pertaining to the user, wherein a spoof-resistant unique identifier of the user is written in a persistent cookie on a computer of the user and is used to allocate points, and wherein a transient cookie having last location information is processed to detect fraud.
4. (Previously presented) The system of claim 76, wherein the user receives one entry in the sweepstakes for each point the user has been awarded after a

redundant check is performed in both a counting bone tracking module of the host computer and a database server of the host computer.

5. (Previously presented) The system of claim 76, wherein the user is awarded one or more points for accessing a feature of the webpage.

6. (Previously presented) The system of claim 76, wherein the user is awarded one or more points for making the webpage the user's home page.

7. (Previously presented) The system of claim 76, wherein the user is awarded one or more points for signing up for a service offered by the host computer system.

8. (Previously presented) The system of claim 7, wherein the service is email.

9. (Previously presented) The system of claim 76, wherein the point value associated with at least one of the plurality of hyperlinks is displayed on the webpage.

10. (Previously presented) The system of claim 76, wherein the point value for each of the plurality of hyperlinks is displayed on the webpage.

11. (Previously presented) The system of claim 76, wherein the host computer system stores the table containing, for each hyperlink on the webpage for which at least one point is awarded, a number of at least one point associated with the hyperlink.

12. (Previously presented) The system of claim 76, wherein the number of points awarded to the user is displayed on a user computer system when the user computer system accesses the webpage and the host computer system causes the displayed number of points to be updated substantially concurrently with an award of additional points.

13. (Previously presented) The system of claim 76, further comprising a database server storing a database; the database storing point information relating to the user.

14. (Previously presented) The system of claim 13, wherein:

the host computer system stores the table containing, for each hyperlink for which points are awarded, a number of at least one point associated with the hyperlink;

the number of awarded points is displayed on a user computer system and the host computer system causes the displayed number of points to be updated after an award of additional points; and

the host computer system transmits the points awarded to the user to the database server at least once a day.

15. (Previously presented) The system of claim 14, wherein the points are transmitted to the database server asynchronously to reduce bottlenecks between a web server and the database server.

16. (Previously presented) The system of claim 76, further comprising:

a third-party computer system hosting a third-party website, wherein

- (i) a user computer system accessing the webpage can be connected to the third-party computer system via one of the plurality of hyperlinks; and
- (ii) the host computer system awards at least one point to the user for accessing the one of the plurality of hyperlinks that directs the user to the third-party website.

17. (Canceled)

18. (Canceled)

19. (Previously presented) The method of claim 71, further comprising automatically entering the user in the sweepstakes after determining eligibility based on a number of factors including at least one of age and location, and wherein a maximum number of points the user can accumulate in one day is fixed.

20. (Previously presented) The method of claim 71, further comprising::
storing registration information pertaining to the user;
generating a spoof-resistant unique identifier of the user;
writing the spoof-resistant unique identifier in a persistent cookie on a computer of the user; and
using, but the host computer, the persistent cookie to allocate points.

21. (Previously presented) The method of claim 71, wherein the user receives one entry in the sweepstakes for each point awarded to the user after a

redundant check is performed in both a counting bone tracking module of the host computer and a database server of the host computer, and wherein a transient cookie having last location information is processed to detect fraud.

22. (Previously presented) The method of claim 71, wherein the user is awarded one or more points for accessing a feature of the webpage.

23. (Previously presented) The method of claim 71, wherein the user is awarded one or more points for making the webpage the user's home page.

24. (Previously presented) The method of claim 71, wherein the user is awarded one or more points for signing up for a service offered by a host system.

25. (Previously presented) The method of claim 24, wherein the service is email.

26. (Previously presented) The method of claim 71, further comprising:
displaying the number of awarded points on a user computer system associated with the user, wherein the displayed number of points is updated substantially concurrently with an award of additional points.

27. (Previously presented) The method of claim 71, further comprising:
displaying the number of awarded points on a user computer system
associated with the user, wherein the displayed number of points is updated
when additional points are awarded.
28. (Previously presented) The method of claim 71, further comprising:
storing the table containing, for each hyperlink for which at least one point is
awarded, a number of at least one point associated with the hyperlink.
29. (Previously presented) The method of claim 28, further comprising:
displaying the number of points associated with the at least one hyperlink
on the webpage.
30. (Previously presented) The method of claim 71, further comprising:
storing a database on a database server, wherein the database stores point
information relating to the user.
31. (Previously presented) The method of claim 30, further comprising:

storing a table containing, for each hyperlink on the webpage for which points are awarded, a number of points associated with the hyperlink;

displaying the number of awarded points on a user computer system associated with the user, wherein the displayed number of points is updated substantially concurrently with an award of additional points; and

transmitting the points awarded to the user to the database server at least once a day.

32. (Previously presented) The method of claim 31, wherein the points are transmitted to the database server asynchronously to reduce bottlenecks between a web server and the database server.

33. (Previously presented) The method of claim 71, further comprising:

allowing the user to connect to a third-party website via a hyperlink on the webpage, wherein said hyperlink is one of said plurality of hyperlinks; and

awarding at least one point to the user for accessing at least one feature of the third party website.

34. (Previously presented) The method of claim 76, further comprising:

connecting the user to a third-party website; and

awarding points to the user for accessing features of the third-party website.

35. (Canceled)

36. (Previously presented) The computer code of claim 81, further performing:

automatically entering the user in the sweepstakes after determining eligibility based on a number of factors including at least one of age and location, and wherein a maximum number of points the user can accumulate in one day is fixed.

37. (Previously presented) The computer code of claim 81, further performing:

storing registration information pertaining to the user;
generating a spoof-resistant unique identifier of the user;
writing the spoof-resistant unique identifier in a persistent cookie on a computer of the user; and
using, but the host computer, the persistent cookie to allocate points..

38. (Previously presented) The computer code of claim 81, wherein the user receives one entry in the sweepstakes for each point awarded to the user after a redundant check is performed in both a counting bone tracking module of the host computer and a database server of the host computer, and wherein a transient cookie having last location information is processed to detect fraud.
39. (Previously presented) The computer code of claim 81, wherein the user is awarded one or more points for accessing a feature of webpage.
40. (Previously presented) The computer code of claim 81, wherein the user is awarded one or more points for making the webpage the user's home page.
41. (Previously presented) The computer code of claim 81, wherein the user is awarded one or more points for signing up for a service offered by the host system.
42. (Previously presented) The computer code of claim 41, wherein the service is email.

43. (Previously presented) The computer code of claim 81, further performing:

displaying the number of awarded points, wherein the displayed number of points is updated substantially concurrently with an award of additional points.

44. (Previously presented) The computer code of claim 81, further performing:

displaying the number of awarded points on the user computer system, wherein the displayed number of points is automatically updated when additional points are awarded.

45. (Previously presented) The computer code of claim 81, further performing:

displaying on the webpage a number of at least one point associated with at least one hyperlink displayed on the webpage.

46. (Previously presented) The computer code of claim 45, further performing:

displaying the number of awarded points on the user computer system, wherein the displayed number of points is updated substantially concurrently with an award of additional points.

47. (Previously presented) The computer code of claim 81, further performing:

storing a database on a database server, wherein the database stores point information relating to the user.

48. (Previously presented) The computer code of claim 47, further performing the steps of:

storing a table containing, for each hyperlink on the webpage for which at least one point is awarded, a number of at least one point associated with the hyperlink;

displaying the number of awarded points on the user computer system, wherein a host computer system causes the displayed number of points to be updated substantially concurrently with an award of additional points; and

transmitting the points awarded to the user to the database server at least once a day.

49. (Previously presented) The computer code of claim 48, wherein the points are transmitted to the database server asynchronously to reduce bottlenecks between a web server and the database server.

50. (Previously presented) The computer code of claim 81, further performing connecting the user computer system to a third-party web site; and
awarding points to the user for accessing features of the third-party website.

51. (Previously presented) The computer code of claim 48, further performing:
connecting the user computer system to a third-party website; and
awarding points to the user for accessing features of the third-party website.

52-70. (Canceled)

71. (Previously presented) A method of entering a user in a sweepstakes comprising:
providing a website for access by a user, the website including a plurality of hyperlinks to services and webpages in the website, and each of the plurality of hyperlinks having an associated point value indicative of any number of

points the user can get for clicking on the hyperlink, wherein at least two hyperlinks of the plurality of hyperlinks have different associated point values, the associated point values for the plurality of hyperlinks being stored in look-up table stored in a web server associated with the website;

receiving a request that indicates that the user has clicked on one of the plurality of hyperlinks;

determining a point value associated with the one of the plurality of hyperlinks by looking up the associated point value in the look-up table;

awarding, based on the point value associated with the one of the plurality of hyperlinks, at least one point to the user as a result of the user clicking on the one of the plurality of hyperlinks; and

awarding, based on a predetermined number of at least one point awarded to the user for clicking on the one of the plurality of hyperlinks, at least one entry in a sweepstakes.

72. (Previously presented) The method of claim 71, wherein a point value associated with one of the plurality of hyperlinks is displayed on the webpage in proximity to where the one of the plurality of hyperlinks is displayed on the webpage.

73. (Previously presented) The method of claim 71, wherein point values associated with respective hyperlinks in the plurality of hyperlinks are displayed on the webpage in proximity to where their respective hyperlinks in the plurality of hyperlinks are displayed on the webpage.

74. (Previously presented) The method of claim 71, wherein the plurality of hyperlinks includes a hyperlink to a third-party webpage and wherein the host computer system awards at least one point to the user for accessing the hyperlink to the third-party webpage.

75. (Previously presented) The method of claim 71, further comprising:
storing the table containing, for each hyperlink of the plurality of hyperlinks, a number of at least one point associated with the hyperlink.

76. (Previously presented) A sweepstakes system, comprising:
a host computer system hosting a website, wherein the website includes a plurality of hyperlinks to services and webpages in the website and each of the plurality of hyperlinks has an associated point value indicating any number of points a user can get for clicking on the hyperlink; and

a look-up table stored in the host computer system, the look-up table storing the associated point values for the plurality of hyperlinks, wherein at least two hyperlinks of the plurality of hyperlinks have different associated point values; wherein the host computer system receives a request that indicates that the user has clicked on one of the plurality of hyperlinks; wherein the host computer system determines a point value associated with the one of the plurality of hyperlinks by looking up the point value in the look-up table; wherein the host computer system awards at least one point to the user as a result of the user clicking on the one of the plurality of hyperlinks; and wherein the user is given a number of at least one entry in a sweepstakes based on a predetermined number of points the user has been awarded for clicking on the one of the plurality of hyperlinks.

77. (Previously presented) The system of claim 76, wherein a point value associated with one of the plurality of hyperlinks is displayed on the webpage in proximity to where the one of the plurality of hyperlinks is displayed on the webpage.

78. (Previously presented) The system of claim 76, wherein point values associated with respective hyperlinks in the plurality of hyperlinks are displayed on the webpage in proximity to where their respective hyperlinks in the plurality of hyperlinks are displayed on the webpage.

79. (Previously presented) The system of claim 76, wherein the plurality of hyperlinks includes a hyperlink to a third-party webpage and wherein the host computer system awards at least one point to the user for accessing the hyperlink to the third-party webpage.

80. (Cancelled)

81. (Previously presented) Computer code embedded in a storage medium performing:

providing a website for access by a user, the website including a plurality of hyperlinks to services and webpages in the website, and each of the plurality of hyperlinks having an associated point value indicative of any number of points the user can get for clicking on the hyperlink, wherein at least two hyperlinks of the plurality of hyperlinks have different associated point values,

the associated point values for the plurality of hyperlinks being stored in look-up table stored in a web server associated with the website;

receiving a request that indicates that the user has clicked on one of the plurality of hyperlinks;

determining a point value associated with the one of the plurality of hyperlinks by looking up the associated point value in the look-up table;

awarding, based on the point value associated with the one of the plurality of hyperlinks, at least one point to the user as a result of the user clicking on the one of the plurality of hyperlinks; and

awarding, based on a predetermined number of at least one point awarded to the user for clicking the one of the plurality of hyperlinks, at least one entry in a sweepstakes.

82. (Previously presented) The system of claim 71, wherein the awarded points are not used to redeem merchandize or prizes.

83. (Previously presented) The system of claim 76, wherein the awarded points are not used to redeem merchandize or prizes.

84. (Previously presented) The system of claim 81, wherein the awarded points are not used to redeem merchandise or prizes.

85. (Previously presented) A method of entering a user in a sweepstakes comprising:

providing a website for access by a user, the website including a plurality of hyperlinks to services and webpages in the website, and each of the plurality of hyperlinks having an associated point value indicative of any number of points the user can get for clicking on the hyperlink, wherein at least two hyperlinks of the plurality of hyperlinks have different associated point values, the associated point values for the plurality of hyperlinks being stored in look-up table stored in a web server associated with the website;

receiving a request that indicates that the user has clicked on one of the plurality of hyperlinks;

determining a point value associated with the one of the plurality of hyperlinks by looking up the associated point value in the look-up table;

awarding, based on the point value associated with the one of the plurality of hyperlinks, at least one point to the user as a result of the user clicking on the one of the plurality of hyperlinks; and

exchanging automatically a predetermined number of at least one point of
the awarded points for at least one entry in a sweepstakes.

X. APPENDIX B: EVIDENCE

None.

XI. APPENDIX C: RELATED PROCEEDINGS

None.